

**CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION UNDER 37 CFR § 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is:

\_\_\_ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below, or

X being transmitted via EFS.

/Mark C Johnson/  
Mark C. Johnson

03/28/07  
Date

Attorney Docket No. HORA.P0102US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of:

Applicant:	Dieter Grob et al.	Serial No:	10/762,008
Filed:	January 21, 2004	Examiner:	Mary C. Hoffman
Art Unit:	3733		
Title:	CERVICAL FACET RESURFACING IMPLANT		

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 7, 2007, of the Primary Examiner finally rejecting claims 1, 2, 4-6, 8-24, 38-53.

Applicant is:

X a small entity  
\$250.00 Fee

\_\_\_ other than a small entity  
\$500.00 Fee

Fee Payment:

\_\_\_ Attached is a check covering the aforesaid fee  
X Enclosed is a credit card payment form covering the aforesaid fee  
\_\_\_ Not required (fee paid in prior appeal in this application)  
\_\_\_ Charge fee to Deposit Account No. 18-0988 under Attorney Docket No. HORA.P0102US.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA.P0102US.

Respectfully submitted,

/Mark C. Johnson/  
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